

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Jamie Arnold, et al.,

Plaintiffs,

vs.

DIRECTV, LLC, et al.,

Defendants.

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Case No. 4:10-cv-00352-JAR

DEFENDANTS' UNOPPOSED REPORT TO COURT ORDER

COMES NOW Defendants and hereby reports to the Court their compliance with the Court's December 21, 2015 Order. For its report, Defendants state as follows:

1. On May 26, 2015, Defendants moved to dismiss Plaintiffs Miguel Almendares, Jerry Cook, Jr., Richard Davidson, Kelvin Forster, John Lindsay, Casey Maltos, Michael Scott, Andrew Sinclair, and Daradeth Siratsamay¹ (the "Non-Appearing Plaintiffs") as a sanction for their failure to appear at their properly noticed depositions. *See* Dkt. #294, Motion for Sanctions for Plaintiffs' Failure to Appear for Their Properly Noticed Depositions.

2. On December 21, 2015, the Court issued an Order granting Defendants' Motion for Sanctions in part. *See* Dkt. #438, December 21, 2015 Court Order.

3. In that Order, the Court ordered the Non-Appearing Plaintiffs to appear for their properly noticed depositions. *See id.* The Order provided that if any of the Non-Appearing Plaintiffs failed to appear, his claims would be dismissed with prejudice. *See id.*

¹ The original motion also included Benjamin Haynes. However, he was not subject to the Court's Order or Motion for Sanctions as he was not included as a member of any subclass in the Third Amended Complaint. *See* Dkt. #304, Reply in Support of Motion for Sanctions, pg. 1, n.1; and Dkt. #438, December 21, 2015 Court Order.

4. Pursuant to the Court's Order, Defendants properly noticed the depositions of the Non-Appearing Plaintiffs for a second time. *See* Exhibit A, Notices of Deposition.

5. Plaintiff Andrew Sinclair was deposed on March 31, 2016. Plaintiffs Kelvin Forster and Casey Maltos have rescheduled their depositions for April 11, 2016.

6. Plaintiffs Miguel Almendares, Jerry Cook, Jr., Richard Davidson, John Lindsay, Michael Scott, and Daradeth Siratsamay have **failed to appear** for their properly noticed depositions as required by the Order. *See* Dkt. #438, December 21, 2015 Court Order.

7. The undersigned counsel conferred with Todd Werts, counsel for Plaintiffs, regarding this report and Plaintiffs agree this Report accurately represents the status.

Respectfully submitted,

/s/ Patricia J. Martin

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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 5th day of April, 2016, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Patricia J. Martin
